

**To:** Levine, Carolyn[Levine.Carolyn@epa.gov]  
**Cc:** Vaught, Laura[Vaught.Laura@epa.gov]  
**From:** Distefano, Nichole  
**Sent:** Thur 9/10/2015 3:44:55 PM  
**Subject:** Probably going to need an answer to this.

Can you run down?

## **CO mine owner: EPA lied in congressional hearing**

By Tori Richards / September 9, 2015

**BEFORE THE DISASTER:** This 2009 photo shows the mouth of the Gold King Mine running clear water at approximately 80 gallons per minute, according to owner Todd Hennis.

An Environmental Protection Agency official lied during a congressional hearing Wednesday when he said the agency responded to a Gold King Mine “cave-in” when in fact EPA contractors created the disaster by barricading the mine last summer, the owner of the mine has charged.

“This was a result of cave-ins and water buildup. That’s why we were there at the time,” said Mathy Stanislaus, assistant administrator of the EPA’s Office of Solid Waste and Emergency Response. His boss, Administrator Gina McCarthy, did not attend the first congressional hearing into the Animas River Spill, held by the House Committee on Science, Space and Technology.

Although Stanislaus was grilled on other issues such as transparency and double standards pertaining to non-government spills, none of the representatives drilled into Stanislaus’ claim that the Colorado spill was a result of natural forces.

But his comments weren’t lost on Todd Hennis, Gold King’s owner.

“It’s absolute baloney of the worst sort,” Hennis said immediately after the hearing. “They blocked off the flow of water out of the drain pipes and they created the huge wall of water in the Gold King by their actions last year.”

One thing isn't in dispute: EPA contractors punched a hole in the top of the walled-up Gold King mine on Aug. 5, sending 3 million gallons of water into the Animas River, part of the Colorado River system that sustains much of the American Southwest. The waterway from Colorado to New Mexico turned bright orange.

....AND AFTER THE EPA WAS AT WORK: A 2014 photo shows the Gold King Mine after it was filled in, maintaining the round structure of the upper rock. Hennis says the gray drainage pipes at the bottom are partially blocked.

Hennis told Watchdog last month the EPA dumped 15 tons of hazardous waste into another mine he owned in 2005 and then walled up the Gold King last summer as a means to control water runoff.

He provided a photo to Watchdog showing a wide-open mine with a small stream of clear-colored water running out. Another photo from an EPA report shows a photo taken in 2014 after the mine had been closed off.

"It shows there was no flow of water coming out," Hennis said. "They are calling it an act of God when it was an act of government. The photos clearly show the EPA backfilled the portal to block water from coming out and they blocked the discharge pipes at the same time."

Blocking the mine's natural drainage triggered the catastrophe, Henning told Watchdog.

An EPA fact sheet also maintains that, "While excavating above the old (mine entrance), pressurized water began leaking above the mine tunnel, spilling about three million gallons of water stored behind the collapsed material into Cement Creek, a tributary of the Animas River."

Rep. Bruce Westerman, R-Arkansas, asked whether contractor Environmental Restoration — a go-to EPA contractor — was qualified for the job.

“We’re not sure how much design engineering was done on this project or if the people were qualified to do this,” Westerman said. “Obviously (there was) a lack of planning that went into this because of the spill that occurred.”

Reps. Gary Palmer, R-Alabama; Barry Loudermilk, R-Georgia; and Lamar Smith, R-Texas, blasted the EPA for creating witch hunts on offending companies and individuals, while engaging in a lax attitude when the agency is at fault.

Loudermilk recalled the 2010 BP Oil spill and an appearance by President Obama on the “Today Show,” demanding the firing of BP Chairman Tony Hayward.

“Do you think we should have the same standards for Gina McCarthy?” Loudermilk asked. “Should we have called for her to be fired if definitely the EPA was responsible for the spill?”

Nichole Distefano

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Environmental Protection Agency

(202) 564-5200

[Distefano.Nichole@epa.gov](mailto:Distefano.Nichole@epa.gov)